

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

In re:)	
)	Chapter 11
POWER DEVELOPMENT, LLC,)	
)	Case No. 10-10684 (GRH)
Debtor.)	
_____)	

**JOINDER OF APPLIED BANK TO BANKRUPTCY
ADMINISTRATOR'S MOTION TO DISMISS BANKRUPTCY CASE**

Applied Bank ("**Applied Bank**"), by its undersigned counsel, hereby submits this joinder (the "**Joinder**") to the *Motion to Dismiss* (the "**Motion to Dismiss**")¹ [Docket No. 37] filed herein by the Office of the Bankruptcy Administrator for the Western District of North Carolina (the "**Bankruptcy Administrator**"), and respectfully states as follows:

1. As is succinctly stated in the Motion to Dismiss, the Debtor is in violation of the terms and conditions of this Court's Operating Order, dated June 14, 2010, by virtue of the Debtor's failure to: (i) file monthly status reports for the months of June, July and August, 2010; (ii) pay the statutorily required quarterly fees for the second quarter of 2010; and (iii) provide the Bankruptcy Administrator with proof of adequate insurance coverage as to certain of the Debtor's property. The Debtor has likewise failed to timely amend its bankruptcy schedules with the information requested by the Bankruptcy Administrator at the Section 341 Meeting of Creditors. Moreover, the Debtor's bankruptcy schedules, statement of financial affairs, and numerous other facts in this case clearly demonstrate that the Debtor is unlikely to reorganize under Chapter 11 (much less file a feasible plan of reorganization).

¹ Unless otherwise provided, all capitalized terms used herein shall have the same meanings as ascribed to them in the Motion to Dismiss.

2. Based upon the foregoing, Applied Bank joins in and fully supports the relief requested by the Bankruptcy Administrator in the Motion to Dismiss, and hereby adopts and incorporates by reference the Motion to Dismiss, as if fully set forth herein.

WHEREFORE, based on the reasons set forth in the Motion to Dismiss, as incorporated by reference in this Joinder, and any additional reasons that may be presented at a hearing on the Motion to Dismiss and this Joinder, Applied Bank respectfully requests that this Court:

- A. Grant the Motion to Dismiss;
- B. Dismiss the above-captioned Chapter 11 bankruptcy case of Power Development, LLC, with prejudice; and
- C. Grant such other and further relief as is just and appropriate under the circumstances.

Respectfully submitted,

Date: September 14, 2010

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Attorneys for Applied Bank

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 14th day of September, 2010, a copy of the foregoing Joinder of Applied Bank to Bankruptcy Administrator's Motion to Dismiss Bankruptcy Case was served via the Court's ECF system to all interested parties and mailed, via United States First-Class Mail, on the parties shown below:

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Dated: September 14, 2010

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